



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Blake, et al.

Appl. No.

10/056,971

Filed

January 25, 2002

For

TWO-PART "L" OR "S"-SHAPED

PHAKIC IOL

Examiner

Gilpin, Crystal M.

Group Art Unit

3885

RECEIVED

TECHNOLOGY CENTER R3700

# DECLARATION BY DR. CHARLES D. KELMAN

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## Dear Sir:

- 1. I am an inventor on the above-captioned patent application and am familiar with the specification.
- 2. I have extensive experience in the field of opthalmology and opthalmic surgery, particularly with reference to the implantation of Intraocular lenses (IOLs) as evidenced by my attached curriculum vitae (Exhibit A).
- 3. I have reviewed the following two patents which were referenced by Examiner: Gilpin: Kelman, USPN 4,268,921, filed October 22, 1979 and Simcoe, UKPN 2,171,912A, filed February 27, 1986. Both patents provide intraocular lenses with a lens and haptics. Kelman, USPN 4,268,921 describes an IOL with a lens body and 3 separate haptics, two of which are integrally joined to the lens body. Simcoe, UKPN 2,171,912A provides an intraocular lens with a lens and two separate haptics which are integrally formed to the lens body. Neither of these references could be described as having "a V-shaped haptic", because the haptic portions for these IOLs are separated from each other by the lens body and, thus, plural.
- 4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issuing therefrom.

Dated:

Bv:

Charles D. Kelman, M.D.

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# Biographical Sketch CHARLES D. KELMAN, M.D. Department of Ophthalmology

Address:
EYE CENTER
220 MADISON AVENUE
NEW YORK, NY 10016
PHONE: 212 736-9696

Specialty: Anterior Segment/Cataract & Iol Surgery

## **EDUCATION & TRAINING**

Undergraduate: Tufts University; B.S., 1950 University Of Geneva: Geneva, Switzerland

Degree: B.M.S., 1952

Graduate: University Of Geneva Medical School: Geneva,

Switzerland; Degree: M.D., 1956

Internship: Kings County General Hospital; New York City, 1956-1957

Post-Graduate: Bellevue Hospital; New York City; Post-Graduate Course In Ophthalmology; 1958

Residency: Wills Eye Hospital; Pennsylvania; Residency In

Ophthalmology, 1958-1960

#### **AWARDS & HONORS**

- 1. Recipient Of John A. Hartford Foundation Grant For Cryosurgery Research, 1964
- 2. Biography: "Who's Who In The East", Publisher: Marquis, Who's Who, Vol. 10, 1966-67
- 3. Winner Of Twenty-Five Year (1941-1966) Distinguished Alumnus Award, Forest Hills High School, New York, Ny
- 4. Recipient Of Outstanding Film Award, University Barraquer, Barcelona, Spain, 1969
- 5. Recipient Of The American Academy Of Achievement Gold Plate Award, Dallas, Texas, 1969
- 6. Recipient Of The Fifth Annual Professor Doctor Ignacio Barraquer Memorial Award, Chicago, 1969

- 7. Recipient Of First Prize For Scientific Exhibit At American Academy Of Ophthalmology, Las Vegas, Nevada, October 5-9, 1970
- 8. Recipient Of The Outstanding Achievement Award From The National Association For Visually Handicapped, 1979
- 9. Recipient Of The First "Outstanding Achievement Award For Excellence In Cataract Surgery", American Society Of Contemporary Ophthalmology, 1981
- 10. Physicians Recognition Award, American Medical Assoc.
- 11. Canadian Implant Association Award For Work In Developing And Advancing The Field Of Ophthalmology, Montreal, Canada, May 29, 1982
- 12. Tamarack Lodge Annual Humanitarian Award, Greenfield Park, New York, August 7, 1982
- 13. Recipient Of The Congressional Salute, U.S. Senate, 97th Congress Washington, D.C., November 30, 1982.
- 14. Recipient Of The 1983 Humanitarian Award, Italian Charities Of America, Inc., June 10, 1983
- 15. Recipient Of The First Annual Innovators Award Presented By The American International Intraocular Lens Congress. Boston, Mass.; April, 1985
- 16. First Prize In The Implant Division Of The A.I.O.I.S. Film Festival. "Where Oh Where Have Those Little Loops Gone?". April, 1985.
- 17. Marquis " Who's Who In The East 1986-1987"
- 18. American Academy Of Ophthalmology Senior Honor Award, 1986
- 19. 1988 Mericos H. Whittier Award
- 20. Torch Of Learning Award American Friends Of Hebrew University; 1989
- 21. Binkhorst Medal 1989 American Society Of Cataract And Refractive Surgery
- 22. Ridley Medal 1990 International Congress Of Ophthalmology.
- 23. Presented The Arthur J. Bedell Lecture At The 43rd Annual Clinical Conference Sponsored By The Wills Eye Hospital Staff And Society Of Ex-Residents; April, 1991
- 24. Special Recognition Award 1991 Presented By The American Academy Of Ophthalmology
- 25. Distinguished Service Award From Tuft's University Alumni Association 1992

- 26. Inventor Of The Year Award 1992 Presented By The New York Patent, Trademark And Copywright Association
- 27. National Medal Of Technology 1992 Presented By The Presdient Of The United States On Behalf Of The Department Of Commerce
- 28. Myrtle Wreath Award 1992 Presented By Hadassah
- 29. Lions Eye Bank Of New Jersey 1992 Honoree
- 30. Ophthalmologist Of The Century 1994 Presented By The Canadian Implant Association
- 31. Honorary Chairman European Society For Phacoemulsification And Related Techniques.
- 32. Chairman Of The New York Academy Of Medicine Ophthalmology Section
- 33. President Of The American Society Of Cataract And Refractive Surgery.
- 34. Awarded The Key To The City Of Rio De Janeiro By Mayor César Maia At The Forum International Oftalmologia Ano 2000 1995
- 35. Board Member Of Ophthalmology Times
- 36. Best Ophthalmologists In America Award 1996 Presented By Ophthalmology Times
- 37. "Life Of Compassion" Award, The Herzog Hospital, March 9,1997
- 38. The Abdelmonelm Labib Memorial Lecture- "Origins And Directions Of Phacoemulsification", The Iv International Congress Of The Pan Arab Council Of Ophthalmology And Jordanian Ophthalmological Society, Amman, Jordan, May 6, 1997
- 39. "Visionary Award" For Clinical Research In Cataract Surgery Presented By Ophthalmology Times October 27, 1997
- 40. "Wessely Gold Medal" For Research In Ophthalmology That Linked Scientific Research With A Practical Therapeutic Result, Presented By The International Congress Of Ophthalmology, Amsterdam, The Netherlands, June 25, 1998
- 41. Presentation Of The First Charles D. Kelman, M.D. Award To Dr. Spyros Georgas At The 3rd European Society Of Cataract And Refractive Surgeon's Winter Meeting. Athens, Greece. January 29, 1999
- 42. Honored By The American Society Of Cataract And Refractive Surgery As One Of "The Most Influential Ophthalmologist Of The Twentieth Century" Having Been Chosen By 33,000 Ophthalmologists In The United States And Abroad, Seattle, Washington, April 12th, 1999.

43. Honored By Ophthalmology Times As One Of The Ten Greatest Living Ophthalmologists. Orlando, Flordia October, 25, 1999

## **Professional Society Memberships**

- 1. PAN AMERICAN MEDICAL ASSOCIATION
- 2. PAN AMERICAN ASSOCIATION FOR OPHTHALMOLOGY
- 3. AMERICAN SOCIETY OF REFRACTIVE AND CATARACT SURGERY
- 4. KERATO-REFRACTIVE SOCIETY
- 5. AMERICAN SOCIETY FOR CONTEMPORARY OPHTHALMOLOGY
- 6. AMERICAN MEDICAL ASSOCIATION
- 7. INTERNATIONAL ASSOCIATION OF OCULAR SURGEONS
- 8. CANADIAN IMPLANT ASSOCIATION
- 9. INTERNATIONAL INTRAOCULAR IMPLANT CLUB
- 10. AMERICAN ACADEMY OF OPHTHALMOLOGY
- 11. NEW YORK IMPLANT SOCIETY
- 12. ASSOCIATION FOR THE ADVANCEMENT OF OPHTHALMIC OPERATION TECHNIQUES (ANTIBES, FRANCE)
- · 13. EUROPEAN SOCIETY FOR PHACOEMULSIFICATION AND RELATED TECHNIQUES
- 14. OUTPATIENT OPHTHALMIC SURGERY SOCIETY
- 15. AMERICAN COLLEGE OF EYE SURGEONS
- 16. NEW YORK STATE SOCIETY OF SURGEONS
- 17. FELLOWSHIP OF THE NEW YORK ACADEMY OF MEDICINE
- 18. EUROPEAN SOCIETY OF CATARACT AND REFRACTIVE SURGEONS
- 19. MANHATTAN OPHTHALMOLOGICAL SOCIETY
- 20. CONTACT LENS ASSOCIATION OF OPHTHALMOLOGISTS

## **Positions and Committees**

- 1. New York Eye And Ear Infirmary, New York, Attending Surgeon
- 2. New York Medical College, Valhalla, New York, Clinical Professor
- 3. Manhattan, Eye, Ear And Throat Hospital, New York, New York. Staff Ophthalmologist
- 4. Meadowlands Hospital, Secaucus, New Jersey. Consultant Ophthalmologist.
- 5. Westchester County Medical Centre, Valhalla, New York. Attending Physician,
- 6. Charing Cross Hospital; London, England. Consultant Ophthalmologist
- 7. Vasser Brothers Hospital Poughkeepsie, Ny; Consultant Ophthalmologist
- 8. St. Barnabas Hospital Bronx, New York. Honorary Staff Ophthalmologist

9. St. Barnabas Medical Center - Livingston, New Jersey Consultant Ophthalmologist

## **Recent Publications**

- 1. Kelman, M.D., Charles D., "Thirty Years Of Phacoemulsification: The Evolution Of Of My Technique From 1967 To 1997", Pp. 464-468, Posterior Assited Levitation", Pp. 511-512. Phacoemulsification, Principles And Techniques. Edited By Lucio Buratto, M.D.; Published By Slack Incorporated, Thorofare, New Jersey; 1998
- 2. Kelman, M.D., Charles D., "Biocompatible Material, Lens Design May Solve Problems Of Previous Phakic Iol's", Ocular Surgery News Vol. 16, No. 9, Pp. 36, May 1, 1998
- 3. Kelman, M.D., Charles D., "History Of Phacoemulsification", Pp. 1 8. Phacoemulsification, Laser Cataract Surgery & Foldable Iols. Edited By Sunita Agarwal, M.D., Mahipal S. Sachdev, M.D., Athiya Agarwal, M.D., Keiki R. Mehta, M.D., I. Howard Fine, M.D., And Amar Agarwal, M.D. Published By Jaypee Brothers Medical Publishers Ltd., New Delhi, India. 1998
- 4. Kelman, M.D., Charles D., And Kwitko, M.D., Marvin L., "The History Of Modern Cataract Surgery". Editors. Kelman, M.D., Charles D, "Cryocataract Surgery", Pp. 97-106; "History Of Phacoemulsification", Pp. 123-130. Published By Kugler Publications/The Hague/The Netherlands. 1998
- 5. Kelman, M.D., Charles D., "Ophthalmology's Great Inventor Speaks About Innovation". Interview With Dr. Kelman In Eye World; Vol.4, No. 1; Pp. 28-29; January, 1999
- 6. Kelman, M.D., Charles D., "Phacoemulsification, Small Incision Surgery And The Iols That Benefit From It". Cataract And Refractive Surgery, Eurotimes Vol.4, Issue 2, March-April, 1999.
- 7. Kelman, M.D., Charles D., "Dropping The Nucleus: Incidence And Management". Interview With Dr. Kelman In Eye World; Vol. 4, No. 5; Pp. 28-29; May, 1999
- 8. Kelman, M.D., Charles D., "Lenticular Refractive Surgery". Interview With Dr. Kelman In Eye World; Vol.4, No. 10; Pp. 40-42; Oct., 1999
- 9. Kelman, M.D., Charkes D., "Ophthalmology's New Century'. Review Of Ophthalmology; Vol Vii, No 1; Jan 2000.

# **Recent Major Lectures**

- --The 1998 Robert S. Coles Distinguished Lecture In Ophthalmology, "History Of Phacoemulsification And A Look Into The Future", New York Academy Of Medicine, March 2, 1998.
- --Canadian Master Club Meeting, "Technological Advances, The Past, Present, And Future" Tucson, Arizona, March 8, 1998.

- --"In The Beginning", Residents Course. "Avoiding & Handling Complications Of Phacoemulsification", Innovators Session "The Sirens Are Singing Again", The American Society Of Cataract & Refractive Surgery, San Diego, Ca. April 18-22, 1998.
- --"The History And Current Techniques Of Phacoemulsification", X Aniversario Del Centro De Microciruia Ocular Cuba, Havana, Cuba, April 24-25, 1998.
- --"Where & How Phacoemulfisication Began", Lecture. The Biennial Alumni Meeting At Manhattan Eye, Ear And Throat Hospital. New York, N.Y., May 2, 1998
- --"The Present And The Future Of Phacoemulsification", "Special Phaco Technique", "A New Lens Implant For Myopia", Lectures, Slides And Videotape. Iv Congresso Internacional De Catarata E Circurgia Refrativa. Rio De Janeiro, Brazil. May 13-16, 1998
- --"The Past, Present And Future Of Phacoemulsificaton" The Albrect Von-Graefe-Lecture. Chair Of The Cataract Surgery Session. 11th Annual Meeting Of German Ophthalmic Surgeons International Symposium. Nuremberg, Germany. May 28 31, 1998
- --"Current Techniques Of Phacoemulsification", "Phakic Iol's: Is There A Future?", Vallotton Lecturer "Complications Of Phacoemulsification", Panel Member For Management Of Cataract Surgical Complications And What Am I Doing Differently This Year? 1998 Update "Cataract Surgery, Special Issues". Storm Eye Institute. Medical University Of South Carolina. Charleston, S.C. June 4 6, 1998
- --"Phacoemulsification Of The Brunescent Lens", Xvith Congress Of The European Society Of Cataract And Refractive Surgery. Nice, France. September 7, 1998
- --"Can You Name My Three Best Friends?", "Clinical Decisions In The Management Of Complications Of Cataract & Iol Surgery", "What Am I Doing Differently This Year?", "Refractive Lens And Phakic Iol Surgery For High Myopia & Hyperopia", David J. Kelman's Advanced Course For The Phacoemulsifier And Implant Surgeon. American Academy Of Ophthalmology, New Orleans, La. November 6-11, 1998
- --"Obstacles And Rewards Of Surgical Innovations For Cataract Surgery", Lecture, Slides And Videotape. Florida Atlantic University Center For Molecular Biology And Biotechnology. November 20, 1998
- --"Past, Present & Future Of Cataract Surgery". 3rd European Society Of Cataract And Refractive Surgeon's Winter Meeting. Athens, Greece. January 29, 1999
- --"The Future Of Anterior Chamber Phakic Iol's". Southern Council Of Optometrists, Inc., Seco 99, Atlanta, Georgia, February 27,1999.
- --"The Future Of Anterior Chamber Refractive Iol's", "Steerable Ia", "Challenges Of Refractive Anterior Chamber Lens Design", " Avoiding And Handling Complications Of

Phacoemulsification". Round Table Discussion On "Lenticular Refractive Surergy:Phakic Lenses Vs. Clean Lens Extraction", The American Society Of Cataract And Refractive Surgery, Seattle, Washington, April 10-14,1999.

- --"What Can We Learn From History About The Design Of Safe Phakic Iol's", "The Pal Technique", "Divide And Conquer", "What Am I Doing Differently This Year?". The David J. Kelman Research Foundation Advanced Course For The Phacoemulsifier And Implant Surgeon. Lecture, Slides And Videotape. American Academy Of Ophthalmology; Orlando, Florida, October 23-27,1999.
- --"Phacoemulsification And Aspiration A New Technique Of Cataract Removal: A Preliminary Report". "Basic Principles Of Iol Design", "Looking Back Can Give You A Stiff Neck". Aiois/Ascrs 25th Reunion. Los Angeles, California. Nov. 11-13,1999
- --"History And Future Of Phacoemulsification". Viith Convegno Di Oftalmo-Chirurgia. Naples, Italy. December 10, 1999